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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,334	04/25/2006	Mitsuhiro Hamashima	URBA:003	5438

37013 7590 06/08/2010
ROSSI, KIMMS & McDOWELL LLP.
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EXAMINER

KAU, STEVEN Y

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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06/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail@rkmlegalgroup.com

Office Action Summary	Application No.	Applicant(s)	
	10/573,334	HAMASHIMA ET AL.	
	Examiner	Art Unit	
	STEVEN KAU	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/16/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to Applicant(s) arguments filed on 3/3/2010.

- The following is the current status of claims:

Claims 1-6 and 8-36 have been canceled, and claims 7 and 37 remain pending for examination, with claims 7 and 37 being independent. Claims 7 and 37 have been amended.

- Response to Remarks/Arguments:

(1) Applicant's statement in Remarks, 3/3/2010, "Claim 7 stands rejected under 35 U.S.C. § 112", page 4, with respect to claims 7, 12 and 13 have been fully considered and are persuasive. In light of applicant's amendment and claims cancellation with respect to the specification, the rejections of claim 7 under 35 U.S.C. § 112 second paragraph is withdrawn from the record.

(2) Applicant's arguments with respect to the rejection of claims 7 and 37 under 35 U.S.C. 103(a) have been fully considered but are moot in view of the new ground(s) of rejection due to the amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 7 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibazaki (JP2000-270149/US 7,130,067) in view of Aratani et al (US2002/0063797) and

Regarding claim 7.

Shibazaki discloses an image output apparatus (**referring to Fig. 1, Print Station 100**) comprising: an image data reading section input for inputting image data from a recording media, each of the image data including reduced image data and actual image data (**Drawing 2 or Fig. 2 of 067, A reading Unit 106, which reads image data from various recording media including cameras, PC cards, CD-ROM, and SmartMedia, etc., see Par. [0007]**), it is well known in the art that image data

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including reduced, enlarged or actual size image data can be stored in those recording media, i.e., CD-ROM; thus, reading unit 106 can also reads those reduced or actual image data); a printer for printing out the image data (referring to Fig. 2, Printer 113); a control section (referring to Fig. 2, CPU 101 is a device controlling the whole device including the Tough Panel 105 and Monitor 114) for displaying an image list display including a plural of selectable images (referring to Fig. 4, a list of displayed pictures on the screen when it scrolls in the monitor display 114 for selection, Par. [0008]), a detailed image display including a detail image of the selected image based on the actual image data (i.e. image photographed in the print station of Fig. 1 is the actual detail image data, and image display list of Fig. 4 is selected to be processed, i.e. printing or displaying, Par. [0008]), a memory section (Storage Unit 104 of Fig. 2 also stores image data, Par. [0007]) for holding setting data when transitioning from the image list display to the detailed image display (referring to Fig. 2, Storage Unit 104 contains various application programs, image data, etc., CPU 101, Reader 106 reads image data from storage media including hard disk, CD-ROM, etc., and Monitor for displaying the image data, and Touch Panel allowing user to perform alter operation, or to specified a picture, Par. [0007]; that is, Storage Unit 104 holds the setting data, i.e. various application for user to perform image alter operation; in addition, referring to Fig. 5, attribute information, i.e. name, telephone umber, etc., is given to image data of picture, photographs, etc., and as an example, pictures C and G are transmitted to controlling unit 130 of Fig. 3 when high-definition is required; Par. [0008]).

Shibazaki does not disclose an image list display including a plural of selectable images based on the reduced image data, and an enlarged image display including an enlarged image of the selected image based on the reduced image data on a screen; which indicates whether or not to enlarge and temporarily display the reduced image data; wherein, when the temporary display of the reduced image data is not performed based on the setting data, the control section switches directly from the image list display to the detailed image display; when the temporary display of the reduced image data is performed based on the setting data, the control section switches from the image list display to the detailed image display via the enlarged image display.

In a similar field of endeavor, Aratani teaches an image list display including a plural of selectable images based on the reduced image data (**referring to Fig. 6A, an image display includes a plurality of reduced image data numbered as 1 to 12**), and an enlarged image display including an enlarged image of the selected image based on the reduced image data on a screen (**referring to Fig. 6B, a selected image is enlarged, Par. [0070]**); which indicates whether or not to enlarge and temporarily display the reduced image data (**i.e. user can operate on the decision key of Fig. 2 to decide whether or not to enlarge and temporarily display the reduced image data as shown in Figs. 6A and 6B, Par. [0070]**), in addition Fig. 16 include an **“Enlarge” key for user to decide whether or not the user wants to enlarge the image data Par. [0076]**); wherein, when the temporary display of the reduced image data is not performed based on the setting data, the control section switches directly from the image list display to the detailed image display (**referring to Figs. 4 and 5,**

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prior to activate the image viewer application, or the temporary display of the reduced image data is not yet activated, user can only see an image data in Fig. 4A, however, when a user initiates the process of Fig. 5, the reduced image data of Fig. 6A, Par. [0069]); when the temporary display of the reduced image data is performed based on the setting data, the control section switches from the image list display to the detailed image display via the enlarged image display (referring to Fig. 2, a remote device for controlling of image data selection, whether to enlarge the reduced image or not as discussed above, and in Par. [0074]; and “while in the state in FIG. 6A, the user depresses the function key 204 on the remote controller 116 (S5-10), a function menu 701 in FIG. 7A is displayed”, Par. [0074] and Figs. 6A, 7A and 7B).

Prior art Shibazaki teaches a print station of Fig. 1 and an image management system of Fig. 3 so that a user can selected image data from a group or a plurality of reduced images for printing out. Prior art Aratani teaches a television signal reception apparatus of Figure 1 to perform protocol communication with a VTR 201 and a printer 202. In the apparatus a user can activate a plurality of reduced image data as a temporary display to view a list of reduced images through the control section, and the selected reduced image is enlarged as a detailed image either for viewing or printing. Thus, the teaching of Aratani is applicable to Shibazaki for accessing a selectable of a plurality of reduced image and to enlarge the selected image for viewing and printing it out.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the image output apparatus of Shibazaki to apply the known technique of “an image list display including a plural of selectable images based on the reduced image data, and an enlarged image display including an enlarged image of the selected image based on the reduced image data on a screen; which indicates whether or not to enlarge and temporarily display the reduced image data; wherein, when the temporary display of the reduced image data is not performed based on the setting data, the control section switches directly from the image list display to the detailed image display; when the temporary display of the reduced image data is performed based on the setting data, the control section switches from the image list display to the detailed image display via the enlarged image display” as taught by Aratani. The motivation for doing so would have been to improve the functionalities of the image output apparatus to allow a user to access and to select a reduced image from a plurality of reduced images for enlarging/viewing and printing, and further it is easily implemented by one or other in the art with a predictable result.

Regarding claim 37.

Claim 37 is directed to an image output method claim which substantially corresponds to operation of the device in claim 7, with method steps directly corresponding to the function of device elements in claim 7. Thus, claim 37 is rejected as set forth above for claim 7.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

CONTACT INFORMATION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Kau whose telephone number is 571-270-1120 and fax number is 571-270-2120. The examiner can normally be reached on Monday to Friday, from 8:30 am -5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Steven Kau/
Examiner, Art Unit 2625
May 24, 2010

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625